

Vaughan Gething AC/AM
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA-P-VG-1352-19

Dr Dai Lloyd
Chair
Health, Social Care and Sport Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

25 April 2019

Dear Dai,

Thank you for your letter of 25 March in response to my letter to you of 19 February regarding the All Wales Medical Performers List.

To confirm a few amendments are proposed to the National Health Service (Performers Lists) (Wales) Regulations 2004 (“the 2004 Regulations”).

Reassignment of performers

As the National Health Service (Wales) Act 2006 currently stands, performers need only be on one Local Health Board (LHB) list to work in any LHB area in Wales. Performers are removed from a LHB’s performers list if they have not worked in an LHB area in 12 months. The performer would then need to apply to the LHB area in which they are working.

It is recognised that the requirement for a new application when an applicant moves from one LHB area in Wales to another increases the administrative burdens on performers. We will therefore pursue the possibility of providing a system of transfer or reassignment where a performer moves to a new LHB, subject to appropriate safeguards, to minimise burdens and delay. The details will be considered further.

Provision of references, professional experience and qualifications

I originally amended the 2004 Regulations to streamline the application process and reduce the administrative burden for those performers who are already on a Performers List elsewhere in the UK who want to apply for inclusion in the Welsh Performers List. This was by way of allowing applicants to provide their consent for the LHB to obtain previous clinical references, professional experience and qualifications from the Primary Care Organisation (PCO) where the performer is currently listed. However, in response to the consultation, it appears that some applicants have experienced delays by NHS England submitting this information to the NHS Wales Shared Services Partnership and consider that providing some of the information themselves would reduce delay.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

I therefore propose to amend the 2004 Regulations to allow for an existing performer to provide either (i) the names and addresses of two clinical referees and updated professional experience and medical or dental qualifications; or (ii) their consent for the LHB to obtain previous clinical references, professional experience and qualifications from the PCO where the performer is currently listed. Alternatively the applicant could provide both (i) and (ii).

Miscellaneous Amendments to the 2004 Regulations

In addition to the proposed amendments above, we are considering making other miscellaneous amendments to the 2004 Regulations to assist in reducing the bureaucracy in existing arrangements.

Option 3 – amend the current Regulations to allow a GP or GDP Performer to be automatically listed on a LHB’s list if they are already on a PCO performer list, with no requirement to submit an application or provide relevant information and documentation

This option did receive the majority of support. However, it should be noted that a number of the responses submitted in support of Option 3 from north Wales were the same and gave no commentary or evidence as to why Option 3 was preferred.

Given, however, the number of responses supporting Option 3, my officials did discuss this option with LHBs at one of their regular meetings. The representatives from the LHBs confirmed they would not support Option 3 from a governance point of view.

Option 3 does pose a risk to patient safety as there would be no checks or balances done in Wales on the Performer. For example, although the Performer would be listed on a PCO list, that Performer may be under investigation, have conditions imposed on their inclusion in the PCO list, working under supervision or may have a criminal conviction which could have been committed since their last Disclosure and Barring Service enhanced criminal certificate was submitted to NHS England. So whilst NHS England, for example may have included that Performer with conditions attached, if the same scenario occurred in Wales with a Performer, the Medical Director/Responsible Officer of an LHB may have refused inclusion in the Performers List or if already included, removed the Performer from the Performers List. So if a GP or GDP Performer were to be automatically listed on a LHB’s list if they were already on a PCO performer list, it would remove the decision making process from Medical Directors/Responsible Officers of an LHB to make a decision on that Performer on clinical governance grounds.

As stated in the response to the consultation, a National Audit Office (NAO) report (published 17 May 2018) found that patients could potentially have been put at risk because of problems with Capita’s administration of the performers list in England. Delays in processing new applications and making changes to existing performers, including whether GPs, dentists and optometrists practising in the NHS were suitably qualified and had passed other relevant checks, resulted in potential risks to patient safety, especially in cases where performers should have been removed from a list.

Allowing a performer registered in England to be listed automatically in Wales could therefore compromise patient safety. This reinforces the importance and supports the LHB’s views that we need to undertake our own checks and balances on those performers who wish to perform in Wales.

I hope this has clarified the position.

Yours sincerely

A handwritten signature in black ink that reads "Vaughan Gething". The signature is written in a cursive, flowing style.

Vaughan Gething AC/AM

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